

HOUSE BILL 1522

By Sanderson

AN ACT to amend Chapter 87 of the Private Acts of 1981; as amended by Chapter 177 of the Private Acts of 1998; Chapter 180 of the Private Acts of 1998; and any other acts amendatory thereto, relative to the charter of the City of Kenton.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended in Article I, Section 1.02 by deleting subsection (d) and substituting instead the following:

(d) Deleted by amendment.

SECTION 2. Chapter 87 of the Private Acts of 1981, as amended by Chapter 177 of the Private Acts of 1998, and any other acts amendatory thereto, is amended in Article II, Section 2.02 by deleting subsection (b) and substituting instead the following:

(b) The salary of the Mayor and each alderman shall be set by ordinance.

Salaries may be changed at any time by ordinance; provided, however, any changes shall not become effective until after the next quadrennial election of City officials. The Mayor, aldermen, and employees or agents of the City shall be reimbursed for actual and necessary expenses incurred in the conduct of their official duties.

SECTION 3. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting Article II, Section 2.05 and substituting instead the following:

BE IT FURTHER ENACTED, that a vacancy shall exist if the Mayor, Aldermen, or City Judge resigns, dies, moves his residence from the City or is convicted in the ordinary sense of the word of malfeasance or misfeasance in office or a felony and after an affirmative court order is entered in any ouster proceeding brought under the state

general law. If a vacancy occurs in the office of the Mayor, the Vice Mayor shall assume the duties of the Mayor. Any person who is ousted from the office shall be prohibited from holding office or employment with the City for a period of ten years thereafter. The remaining Aldermen shall appoint a qualified person to fill a vacancy in the office of Aldermen or City Judge for the remainder of the unexpired term. If a vacancy occurs within six months, or less, prior to a regular election the board shall leave the position vacant until the next regular election, except the position of City Judge which shall be filled as stated in the previous section.

SECTION 4. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended in Article II, Section 2.06(a) by deleting the following:

Every ordinance, except codes adopted by reference as provided in subsection (c) below, shall be read in full on the first reading; the second and third readings may be by title only except that any amended provisions shall be read in full. Each resolution shall be read in full one time and shall become effective when adopted unless its terms provide otherwise. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on three readings on separate days and become effective immediately, by the affirmative votes of three members of the Board, if the ordinance contains a full statement of the facts creating the emergency, but any emergency ordinance shall be effective for only 90 days.

and substituting instead the following:

Every ordinance, except codes adopted by reference as provided in subsection (c) below, shall be read in full on the first reading; the second reading may be by title only except that any amended provisions shall be read in full. Each resolution shall be read in full one time and shall become effective when adopted unless its terms provide otherwise. To meet a public emergency affecting life, health or property, an emergency ordinance may be adopted on two readings on separate days and become effective immediately, by the affirmative votes of four members of the Board, if the ordinance contains a full statement of the facts

creating the emergency, but any emergency ordinance shall be effective for only 90 days.

SECTION 5. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting Article III, Section 3.01 and substituting instead the following:

Section 3.01. Organization of City government. BE IT FURTHER ENACTED, That there are hereby established the following Departments with the following duties and powers:

(a) The Department of Finance and Budget is hereby established and shall be responsible to the Mayor. This Department shall be responsible for all matters pertaining to the accounts, finances, and revenues. The City Recorder shall be responsible for submitting an annual budget each fiscal year to the Board. A copy of the budget in full shall be filed with the City Recorder for public inspection and a copy shall be furnished to each Board member.

(b) The Department of Police is hereby established and shall be responsible to the Mayor. This Department shall be responsible for all matters pertaining to such department and law enforcement in the City. The Police Chief shall be the head of and have supervision of the Police Department and all matters pertaining thereto.

(c) The Department of Fire is hereby established and shall be responsible to the Mayor. This Department shall be responsible for all matters pertaining to fire prevention. The Fire Chief shall be the head of and have supervision of the Department.

(d) The Department of Streets, Sanitation and Building Permits is hereby established and shall be responsible to the Mayor. This Department shall embrace all matters pertaining to streets, including sidewalks, sewers, bridges, and drainage; garbage collection and disposal; and buildings and code enforcement. The Streets, Sanitation and Building Permit Superintendent shall be the head of and have supervision of the Department of Streets, Sanitation and Building Permits and all matters pertaining thereto.

(e) The Department of Water and Sewer is hereby established and shall be responsible to the Mayor. This Department shall embrace all matters pertaining to the

water and sewer enterprises of the City. The Water and Sewer Superintendent shall be the head of and have supervision of the Department and all matters pertaining thereto.

(f) The Department of Parks and Recreation is hereby established and shall be responsible to the Mayor. This Department shall embrace all matters pertaining to parks, playgrounds, recreation and public grounds. The Parks and Recreation Director shall be the head of and have supervision of the Department and all matters pertaining thereto.

(g) The Board by ordinance may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the City, including, but not limited to, Directors for said departments or Chiefs for the Fire and Police Department; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function and duties of offices, positions of employment, department, and agencies of the City; provided, however, that the number of members of the Board shall not be changed, the office of the Mayor shall not be abolished and that the City Recorder shall also be director of the Department of Finance and Budget.

SECTION 6. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting the first sentence in Article III, Section 3.02 and substituting instead the following:

BE IT FURTHER ENACTED, That the Mayor shall be the executive head of the City government and shall appoint the Department Heads of the City's departments with Board approval, and shall, with the Department Heads, be responsible for the efficient and orderly administration of the affairs of the City. The Mayor shall appoint from the Board, Liaisons, to various Departments to assist in budgetary matters or represent the Department during Board meetings or disciplinary action involving said Department.

SECTION 7. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting Article III, Section 3.05 and substituting instead the following:

Section 3.05. City court. BE IT FURTHER ENACTED, That:

(a) City Judge--term. A City Judge who shall constitute the City court shall be elected by the people as provided in Section 2.01. A vacancy in the office of City Judge shall be filled as provided in Section 2.05.

(b) Jurisdiction, powers, compensation. The jurisdiction of the City Judge shall extend to the trial of all offenses against the ordinances of the City, or other jurisdiction as may be granted to the municipality by the state and costs in such trials shall be fixed by ordinance subject to approval of the Board. The City Judge shall have power to levy fines, penalties, forfeitures, and costs, to issue all necessary process, to administer oaths, and to maintain order including the power to punish for contempt of court. The sole compensation for serving as City Judge shall be a salary fixed by the Board, and all fees for actions or cases in his court shall belong to the City and shall be paid into the City treasury.

(c) Docket. The City Judge shall keep a docket of all cases handled by him.

(d) Separation of powers. The City Judge shall be the exclusive judge of the law and facts in every case before him, and no officer or employee of the town shall attempt to influence his decision except through pertinent facts presented in open court.

SECTION 8. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended in Article III, Section 3.07 by deleting the word "Commissioner" and substituting instead the words "Department Head".

SECTION 9. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting Article IV, Section 4.02 and substituting instead the following:

Section 4.02. Mayor to submit annual budget. BE IT FURTHER ENACTED, That not later than 45 days prior to the beginning of each fiscal year, the Mayor and the City Recorder shall submit to the Board a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following:

- (a) Revenue and expenditures during the preceding year;
- (b) Estimated revenue and expenditures for the current fiscal year;

(c) Estimated revenue and recommended expenditures for the next fiscal year, not to exceed the amount of estimated revenue;

(d) A comparative statement of the cash surplus (or deficit) at the end of the current fiscal year; and

(e) Any other information and data, such as work programs and unit costs, in justification of recommended expenditures that may be considered necessary by the Mayor and City Recorder or requested by the Board. They may recommend and estimate receipts from additional revenue measures, providing such estimates are separated clearly from normal revenue estimates. A copy of the budget in full shall be filed with the City Recorder for public inspection and a copy shall be furnished to each Alderman.

SECTION 10. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting Article IV, Section 4.05 and substituting instead the following:

Section 4.05. Action by Board on budget--emergencies; amendments; reallocations; monthly reports by Mayor. BE IT FURTHER ENACTED, That after the public hearing and before the beginning of the ensuing fiscal year the board shall adopt an appropriation ordinance, based on the Mayor's proposed budget with such modifications as the Board considers necessary or desirable. The Board shall not make an appropriation in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the inhabitants of the City declared by a vote of all members of the Board. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year, subject to amendment as provided in this section. Amendments may be made to the original appropriation ordinance at any time during a current fiscal year.

Appropriations, except emergency appropriations as provided above, may be increased during the year only after the Mayor certifies in writing that a sufficient amount of unappropriated fund balance will be available. Any portion of an annual budget remaining unexpended and unencumbered at the close of the fiscal year shall lapse and

be subject to appropriation for the following year. Any balance remaining in any fund other than the general fund at the end of the fiscal year may remain to the credit of such fund and be subject to further appropriation. At the end of each month the City Recorder shall submit to the Board a budget report showing revenue receipts, encumbrances and expenditures for the month and for the fiscal year to the end of that month.

SECTION 11. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting Article IV, Section 4.06 and substituting instead the following:

Section 4.06. Control of expenditures. BE IT FURTHER ENACTED, That the City Recorder, subject to the approval of the Board, shall be responsible for controlling expenditures of the various agencies of the City government to accomplish maximum efficiency and economy. No expenditures shall be made in excess of appropriations.

SECTION 12. Chapter 87 of the Private Acts of 1981, and any other acts amendatory thereto, is amended by deleting Article IV, Section 4.09 and substituting instead the following:

Section 4.09. Sale of town property. BE IT FURTHER ENACTED, That the Mayor may sell City property which is obsolete, surplus or unusable, after advertisement in a local newspaper, by sealed bids or a public auction; provided, however, that any sale for more than \$500 or any sale of real estate shall be subject to approval by the Board.

SECTION 13. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Kenton. Its approval or non-approval shall be proclaimed by the presiding officer of the City of Kenton and certified to the secretary of state.

SECTION 14. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 13.